

REMARKS

This is in reply to the Office Action of May 25 2005,

In the Office Action, the Examiner has indicated that Claims 2 and 3 contain allowable subject matter and would be allowable if written in independent form. Accordingly, applicant has rewritten Claim 2 in independent form as Claim 11 and has made Claim 3 dependent thereon. Claims 11 and 3 should be allowable. Original Claim 2 has been cancelled.

DRAWINGS

Appropriate changes have been made to the drawings to overcome the Examiner's objection. Pad painter 10 and rubber handle 35 have been indicated in FIG. 1 and further clarification has been made in the amendments to the specification.

CLAIM OBJECTIONS

In paragraph 6 of the Office Action, the Examiner has objected to Claims 1, 3, 5-7 and 10 because of certain informalities. Applicant has noted the purported informalities and has amended the claims to overcome the stated objections. Consistent terminology is being used and any discrepancies have been remedied by amendments.

CLAIM REJECTIONS—35 U.S.C. 103

Claims 1, 4 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Maupin. The Maupin patent discloses a scrubbing apparatus for washing, drying or polishing a car. The patent comprises a base and a plurality of flexible fingers adjoining the base and extending radially away from a centerline and axially with respect to the centerline in a uniform direction. Applicant has no such fingers on his pad painter. The Maupin pad 16 is comprised of relatively tough textured scrubbing layer 16a and a smoother backing 16b. The pad is removably held in place by an elastic cord or drawstring.

The Examiner contends that the reference discloses means defined by base 10, "mounted to the coupling surface having an upwardly projecting section, which can be wand 14". The problem with this analysis is that applicant's extending portion includes a recessed socket to cooperate with a ball on the solid hand portion. A hollow wand can scarcely have a recessed socket in its structure. Maupin must have a hollow wand extending down to the scrubbing pad since water flows internally from tube 22 through wand 14 to finger area holding the pad. The motion of the scrubbing apparatus, which conforms to the surface of the object being scrubbed contrasts with applicant's invention, which includes a flat pad operating in a single plane on a flat surface.

Although not part of the 35 U.S.C. 103(a) rejection, the Examiner cites the patent to Warrell '250 with regard to a "handle portion" and then apparently tries to combine Warrell and Maupin in an unlikely combination. Warrell is a floor-cleaning implement with a lateral pivot, which inserts into the lower half of lateral pivot 24 and creates a tongue and fork joint hinge by the insertion of a hinge bolt 28. This design is totally different from applicants claimed design. How could Warrell conceivably be combined with Maupin?

The Examiner states that with regard to Claim 4, the ball 28 comprises a ball integrally mounted to the handle portion 22 in Maupin. Applicant is citing a solid handle portion to which a ball is attached in combination set forth in Claim 1.

The Examiner further states that with regard to Claim 10, the upwardly projecting portion 14 includes a threaded exterior 30 and the mounting means 32 includes internal threads to mesh therewith.

The structure of Maupin differs from the present invention and fails to include the lock washer added to Claim 10. Dependent Claim 10 is patentable.

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Maupin '239 in view of Warrell '250 as applied to Claims 1 and 4 and further in view of Rogers '577.

Rogers is cited as showing a ball 19 with a plurality of spaced slots and is combined with Maupin and Warrell. Rogers actually shows a cleaning device with a slotted ball shaped head and not a ball per se as in applicant's invention. Claim 9, however, has been amended to further distinguish over the references.

Claims 1, 4-6 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Belsky '774 in view of Warrell '250. Belsky discloses a mop having a disposable circular mop pad. The Belsky design does not have an elongated coupling surface, an integral ball or an internally threaded surface. Further, Belsky does not disclose an outer elongated gripping portion, or a washer used in conjunction with the nut. There is an inherent difference between a mop and a pad painter which applicant has stressed in the claims.

The Warrell patent was previously cited by the Examiner and discussed in this application. Warrell's floor cleaning implement is incompatible with Belsky. The lateral pivot of the Warrell is a threaded screw, which engages handle 30. The teachings of Warrell add nothing and do not provide an anticipation of applicant's invention in any combination with Belsky.

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Belsky in view of Warrell and further in view of Layman's feather duster. The contoured rubber grip and threaded recess of Claim 7 are not shown in the primary and secondary references. A contoured grip on an unrelated Layman patent is an inadequate addition to the faulty combination of Belsky and Warrell. There is also the off-hand statement that a threaded recess is obvious. Not so, in the combination proposed by applicant.

SUMMARY

The Examiner has acknowledged that Claims 2 and 3 contained allowable subject matter and would be allowable if rewritten in independent form. Claim 2 has been rewritten as Claim 11 and Claim 3 has been made dependant thereon. The remaining claims have been amended to more clearly distinguish over the reference. Claims 1 and 3-11 re considered patentable in their amended form. Reconsideration and allowance of these claims is respectfully requested.

Respectfully submitted,



RICHARD A. JOEL
496 Kinderkamack Road
Oradell, NJ 07649
(201) 599-0588
Reg. No. 22212

Dated: July 11, 2005